

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

CRYSTAL GOOD, et al.,

Plaintiffs,

v.

Civil Action No.: 2:14-1374

Consolidated with:

Case No.: 2:14-11011

Case No.: 2:14-13164

Case No.: 2:14-13454

WEST VIRGINIA-AMERICAN WATER COMPANY,
d/b/a WEST VIRGINIA AMERICAN WATER,
and AMERICAN WATER WORKS SERVICE
COMPANY, INC., and AMERICAN WATER
WORKS COMPANY, INC., and EASTMAN
CHEMICAL COMPANY, and GARY SOUTHERN,
and DENNIS P. FARRELL,

Defendants.

ORDER

The court, having given preliminary approval to the proposed class action settlement herein, ORDERS that the following motions be, and hereby are, denied without prejudice:

1. Plaintiffs' motion for spoliation instruction against defendant Eastman,¹ filed October 4, 2016.

¹ Eastman Chemical Company

2. Defendant Eastman's omnibus motion in limine to preclude issues from introduction at trial, filed October 4, 2016.
3. Plaintiffs' motion in limine against Eastman to exclude evidence of medical causation, filed October 4, 2016.
4. Defendant Eastman's motion in limine to exclude evidence of Responsible Care, filed October 4, 2016.
5. Defendant Eastman's motion in limine to exclude evidence of revisions to Eastman's Crude MCHM SDS and changes to customer policies regarding Crude MCHM, filed October 4, 2016.
6. Defendant Eastman's motion in limine to exclude evidence related to Glenda Flick, filed October 4, 2016.
7. Defendant Eastman and the Water Company Defendants'² motion in limine to exclude testimony by class representatives, filed October 4, 2016.
8. Defendant Eastman's motion in limine to exclude evidence and testimony that Eastman's Crude MCHM SDS was required

² This term as used herein includes American Water Works Service Company, Inc. and West Virginia-American Water Company, and may also include American Water Works Company, Inc.

to include or failed to include a warning regarding corrosion, filed October 4, 2016.

9. The Water Company Defendants' motion in limine to exclude evidence concerning unrelated contamination or spill events, filed October 4, 2016.
10. Defendant Eastman's motion in limine to exclude any reference to evidence regarding damages, filed October 4, 2016.
11. The Water Company Defendants' motion in limine to preclude references to American Water Works Company, Inc., filed October 4, 2016.
12. The Water Company Defendants' motion in limine to exclude evidence of health effects or other impacts or related damages, filed October 4, 2016.
13. The Water Company Defendants' motion in limine to limit expert testimony by Steven Amter, filed October 4, 2016,
14. Defendants Eastman's motion in limine regarding Eastman's alleged legal duties, filed October 4, 2016.
15. Defendant Eastman's motion in limine to exclude references to the allegedly depressed market for Crude MCHM or unsafe coal industry, filed October 4, 2016.

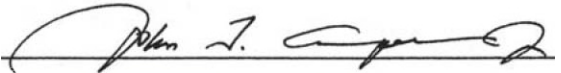
16. Defendant Eastman's motion in limine regarding testimony of Gary Shrum, filed October 4, 2016.
17. Defendant Eastman's motion in limine to exclude references to statutes and regulations, filed October 4, 2016.
18. Defendant Eastman and the Water Company Defendants' motion in limine to exclude any part of the conclusions, findings, or recommendations of the Chemical Safety Board, filed October 4, 2016.
19. Defendant Eastman's motion in limine to exclude SDS data regarding health effects, filed October 4, 2016.
20. Plaintiffs' motion in limine to exclude defendants' introduction of evidence blaming regulators for the spill, filed October 4, 2016.
21. Plaintiffs' motion in limine to exclude defendants' introduction of evidence of Freedom Industries' fault and motion to disallow apportionment of fault to Freedom Industries at trial, filed October 4, 2016.
22. Defendant Eastman's motion in limine to exclude the testimony of Andrew Whelton, Ph.D., filed October 4, 2016.

23. Defendant Eastman's motion in limine to exclude references to health effects and inflammatory language regarding Crude MCHM, filed October 4, 2016.
24. Plaintiffs' motion in limine to exclude references to Freedom Industries' "criminal negligence" or guilty pleas, filed October 4, 2016.
25. Plaintiffs' motion for an adverse inference instruction against West Virginia-American Water due to spoliation of evidence, filed October 4, 2016.
26. Plaintiffs' motion in limine for the exclusion of certain evidence, testimony, and argument concerning regulatory rate-based and financing excuses for infrastructure neglect, filed October 4, 2016.
27. Plaintiffs' statement on electing a remedy, filed October 7, 2016.
28. The Water Company Defendants' motion to seal portions of trial transcripts and close the courtroom for portions of trial, filed October 17, 2016.
29. Plaintiffs' motion for permission to call Louis A. Kapicak, Ph.D. in plaintiffs' case-in-chief, filed October 17, 2016.

30. Plaintiffs' motion for spoliation instruction against Eastman, filed October 20, 2016.

The clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: September 25, 2017

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge